

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff.

-VS-

MICHAEL BLAINE FAULKNER,

Defendant.

Docket No. 3:09-cr-00249-D-2

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED	
JAN - 3 2022	
CLERK, U.S. DISTRICT COURT By _____	Deputy <i>[Signature]</i>

**MOTION FOR RECONSIDERATION  
BROUGHT PURSUANT TO RULE 60(b)  
IN SUPPORT OF PREVIOUS  
MOTION FOR COMPASSIONATE RELEASE PURSUANT TO 18 U.S.C.  
§3582 (c) (1) (A)**

---

COMES NOW the Defendant herein, MICHAEL FAULKNER, pro se, and presents this Motion for Reconsideration and moves this Honorable Court to order to grant his Motion for Compassionate Release pursuant to 18 U.S.C. §3582(c) due to the substantial risk to himself and the community from the current COVID-19 pandemic. In support of the motion, Mr. Faulkner asserts the following.

**A. Legal Standard on a Motion for Reconsideration**

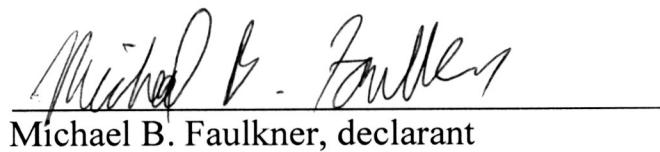
Although the Fifth Circuit has noted that the Federal Rules "do not recognize a 'motion for reconsideration' in haec verba,"<sup>56</sup> it has consistently recognized that

such a motion may challenge a judgment or order under Federal Rules of Civil Procedure 54(b), 59(e), or 60(b).<sup>57</sup> Federal Rule of Civil Procedure 59(e) also allows courts to alter or amend judgments after entry. The Court has "considerable discretion" in deciding whether to grant a motion for reconsideration, but {2021 U.S. Dist. LEXIS 18} must "strike the proper balance between two competing imperatives: (1) finality and (2) the need to render just decisions on the basis of all the facts."<sup>58</sup> This Court's discretion is further bounded by the Fifth Circuit's instruction that reconsideration is "an extraordinary remedy that should be used sparingly,"<sup>59</sup> with relief being warranted only when the basis for relief is "clearly establish[ed]."<sup>60</sup> Courts in the Northern District of Texas have generally considered four factors in deciding motions for reconsideration under the Rule 59 (e) standard:

- (1) the motion is necessary to correct a manifest error of law or fact upon which the judgment is based;
- (2) the movant presents newly discovered or previously unavailable evidence;
- (3) the motion is necessary in order to prevent manifest injustice; or
- (4) the motion is justified by an intervening change in controlling law.<sup>61</sup>

**WHEREFORE**, in consideration of the foregoing, Mr. Faulkner respectfully prays that this Court reconsider the issue in light of the DECLARATION OF MICHAEL BLAINE FAULKNER IN SUPPORT OF MOTION FOR COMPASSIONATE RELEASE AND/OR REDUCTION OF SENTENCE PURSUANT TO 18 U.S.C. § 3582(c) (1) (A), which hopefully addresses any concerns of the court regarding a possible danger to the public.

Respectfully submitted,



---

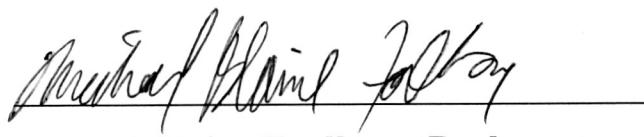
Michael B. Faulkner, declarant

**CERTIFICATE OF SERVICE**

I, Michael Blaine Faulkner hereby declare under the penalty of perjury that I am a party to this action and have deposited in the mail system of the Texarkana Federal Correctional Institution the original **MOTION FOR RECONSIDERATION and DECLARATION OF MICHAEL BLAINE FAULKNER**, with the appropriate first class postage for the parcel addressed to the following:

CLERK OF THE COURT  
United States District Court  
Northern District of Texas  
1100 Commerce Street Room 1452  
Dallas, Texas 75242-1495

Signed on this the 21<sup>th</sup> day of December, 2021 in Texarkana, Texas.



---

**Michael Blaine Faulkner, Declarant**

M. BLAINE FAULKNER  
REG NO. 03829-078  
FEDERAL CORRECTION INSTITUTION  
FCI TEXARKANA  
POST OFFICE BOX 7000  
TEXARKANA, TEXAS 75505



JAN - 3 2022

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
OFFICE OF THE CLERK  
1100 COMMERCE - ROOM 1452  
DALLAS, TEXAS 75242-1495

\*\*\*\*\*  
LEGAL MAIL\*\*\*\*\*  
\*\*\*\*\*  
LEGAL MAIL\*\*\*\*\*

6

MAIL ROOM  
TEXARKANA, TEXAS 75505-9500

The author has not presented any evidence to support his forecast. The other two books mention similar or unreported if the other reader's question of problems over which the faculty have jurisdiction, you may wish to explore the material for further information or clarification. If the other author's interpretation for forecasting is either sufficient, then return the volume to the above address.